IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1970 of 1997

For Approval and Signature:
HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KG SHAH - Petitioner(s)
Versus
GUJARAT STATE FOREST DEVELOP. CORPN. & 1 - Respondent(s)

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Appearance :
TANNA ASSOCIATES for Petitioner(s) : 1,
NANAVATI ASSOCIATES for Respondent(s) : 1,
MR DIPEN DESAI, ASST. GOVERNMENT PLEADER for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 11/01/2007

ORAL JUDGMENT

1. Present petition under Article 226 of the Constitution of India has been filed challenging the order passed by the concerned respondent dated 1.8.1996 by which, the petitioner was

reverted.

2. Shri Kerial, learned advocate appearing for the petitioner has submitted that the petitioner has already made a detailed representation to the respondent No.1 and the same is under active consideration by the respondents. Shri Kerial has also further submitted that the aforesaid representation was made in view of the subsequent developments during the pendency of the present special civil application to the effect that other similarly situated persons were promoted or their promotions have been confirmed. Shri Chudgar, learned advocate appearing for the respondent No.1 has submitted that he has no such instructions. He has submitted that he has no further instructions in the matter that such representation is pending or not. Be that as it may, the learned advocate appearing for the petitioner has made a statement that the petitioner has already made a representation, which is pending. It will be in the fitness of things to direct the respondent

No.1 and/or the concerned respondents to take an appropriate decision in accordance with law and on its own merits within a period of 6 weeks from today. The aforesaid direction is issued as per the instructions/statement made by the learned advocate appearing for the petitioner that such representation is made and is pending.

3. With these, the present special civil application is disposed of. Ad-interim relief granted earlier is directed to be continued for a further period of 6 weeks and/or till any appropriate decision is taken and communicated to the petitioner and for a further period of 1 week thereafter. However, it is made clear that this Court has not expressed any opinion on the merits of the case and it is, ultimately, for the concerned respondent to take an appropriate decision in accordance with law and on merits without being influenced by the fact that this Court has continued the ad-interim relief. Accordingly, the present special civil application is disposed of.

[M.R.Shah, J.]

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